IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

JAMES DAVID TANKSLEY, Complainant	:	Case No. ____________
v.	:	Judge ______
WILLIAM D. JOHNSON, PRESIDENT and CEO, TENNESSEE VALLEY AUTHORITY, Agency	:	Jury Demand

COMPLAINT

Comes now Plaintiff, James David Tanksley, by and through Counsel, and brings this action against the Defendant, William D. Johnson, President and CEO, Tennessee Valley Authority ("TVA"), and for his cause of action, alleges as follows:

I. Jurisdiction

1. Jurisdiction in this case is invoked for violations of the Americans with Disabilities Act Amendments Act (ADAAA), 42 U.S.C. § 12101, *et. seq.*

2. Plaintiff, James David Tanksley, is and was at all times material herein, a citizen and resident of Hamilton County, Tennessee.

3. The Defendant, TVA is a governmental entity which operates in the energy industry. Defendant currently maintains operations in Hamilton County, Tennessee.

4. Plaintiff was at all material times an employee of Defendant within the meaning of the ADAAA.

5. The Defendant is an "employer" as defined by the ADAAA.

6. The acts complained of herein occurred primarily at Defendant's facilities in Hamilton County, where the Plaintiff was assigned as a result of his employment.

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II. General Allegations

7. During 1982, Plaintiff suffered a motorcycle accident which caused significant physical injury. Plaintiff's injuries included, but were not limited to, trauma to the back, a comminuted fracture of the right femur and the loss of the meniscus and ligament on the outside of his right knee.

8. During 1995, Plaintiff suffered a vehicle accident which resulted in a break of all of the ribs on Plaintiff's left side, a break of his clavicle, and injury to his spine. In addition, a splenectomy related to the collision resulted in a compromised immune system.

9. Plaintiff began employment for Defendant during 1997, in Defendant's Information Technology organization. By 2013, Plaintiff was employed as a Backup Administrator in Defendant's Information Technology organization.

10. By January of 2013, the time frame subject to this suit, Plaintiff had the disabling conditions of Scoliosis, bulging disc, fusing vertebrae, fused ribs, carpel tunnel syndrome, arthritis, compromised immune system, sleep apnea and severe testosterone deficiency.

11. Plaintiff's disabilities substantially limit his major life activities of sitting, performing manual task, working, lifting, carrying, walking, standing and reaching. Plaintiff's disabilities subject him to severe and chronic pain.

12. Because of his physical injuries and disabling medical conditions, Plaintiff was forced to receive treatment from a pain management physician.

13. Plaintiff has always been compliant with his pain management regimen.

14. In 2013, Plaintiff completed FMLA paperwork to cover absences caused by his disability. When he initially applied for FMLA coverage, Plaintiff was told by his manager that he would be unable to work while taking his prescribed pain medication. The Human Resources

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Department, however, told Plaintiff that he would be able to continue working while taking his prescription medication.

15. When he submitted his FMLA paperwork, Plaintiff submitted a letter from his pain management physician which explained his condition, that he was compliant with his pain management regimen, and that he would be able to continue his employment under the regimen.

16. Following the completion of his FMLA certification, Plaintiff was forced to undergo a FFD examination before he was allowed to return to work.

17. Following the completion of his FMLA certification with the description of his disability, Plaintiff was treated differently than were other employees in his department. Specifically, he was not able to work remotely as other employees were allowed to do.

18. In December of 2013, Plaintiff's pain management physician downsized her practice and Plaintiff was forced to secure an alternative provider.

19. In January of 2014, after Defendant learned that Plaintiff had secured an alternative provider, Plaintiff was forced to undergo another FFD examination. Following the examination, Plaintiff was returned to duty. Plaintiff was also forced to secure an additional FMLA certification which was accompanied by an explanatory letter from Plaintiff's physician.

20. On or around April 28, 2014, Plaintiff was forced to submit to another fitness for duty examination. When questioned, Plaintiff's manager, Stephen Avans, told Plaintiff that he was unsure why the FFD had been ordered. There was no reason for the FFD, and ordering Plaintiff to submit to the procedure for no reason was discriminatory.

21. On or around May 5, 2014, during the FFD examination, Plaintiff learned that Stephen Avans had, in fact, been responsible for ordering the FFD and that the reasons that had been cited as meriting the FFD were false. Mr. Avans statements to Plaintiff concerning the

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genesis of the examination were false and evidenced discriminatory intent.

22. Plaintiff participated in the FFD in good faith.

23. On or around May 20, 2014, following the FFD, Plaintiff was told that he would not be able to continue his employment while continuing his pain management regimen. This was despite the fact that Plaintiff had successfully performed his duties for over a decade on that same or similar regimen of pain control.

24. Plaintiff attempted to explain that any misperception as to his alertness and ability to perform his duties may have been caused by a short term interruption of his testosterone prescription which had been caused by changes in Defendant's insurance plan and coverage. Defendant refused to consider this fact in considering Plaintiff's circumstances.

25. Plaintiff was terminated because of his disability.

26. Plaintiff was not provided the reasonable accommodation of continuing to work on the same regimen of pain management to which he had been compliant for over a decade.

III. Cause of Action

27. Plaintiff charges and alleges that Defendant's termination of Plaintiff was in violation of the Americans with Disabilities Act Amendments Act (ADAAA), 42 U.S.C. § 12101, *et. seq.*

28. Plaintiff charges and alleges that Defendant failed to reasonably accommodate Plaintiff in violation of the Americans with Disabilities Act Amendments Act (ADAAA), 42 U.S.C. § 12101, *et. seq.*

IV. Damages

29. As a direct and proximate result of the acts and omissions of Defendant, Plaintiff has suffered lost wages and benefits, mental pain and suffering, embarrassment, humiliation

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and general damages.

V. Relief Sought Against Defendants

WHEREFORE, Plaintiff, James David Tanksley, prays that proper process issue and be served upon the Defendant in this action in the manner prescribed by law; and

WHEREFORE, Plaintiff demands reinstatement to his former position with reinstatement of all accrued seniority and benefits; and

WHEREFORE, Plaintiff demands judgment against the Defendant for compensatory damages, reasonable attorney fees, and all costs of litigation.

RESPECTFULLY SUBMITTED:

PATY, RYMER, ULIN & LARRAMORE, P.C.

By:______________________________

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